MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2015/2016

URT3622 – COMPUTER AND INFORMATION TECHNOLOGY LAW II

(All Sections / Groups)

11 MARCH 2016
Reading Time : 3.00 p.m. – 3.15 p.m.
(15 Minutes)
Answering Time: 3.15 p.m. – 6.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:

   (i) Computer Crimes Act 1997;
   (ii) Communication & Multimedia Act 1998;
   (iii) Penal Code; and
   (iv) Personal Data Protection Act 2010.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Kim & Kin are immediate neighbours. Kim resides next to Kin's house and their houses are separated by a chain-link fence coupled with zinc sheets. The relationship between them is not so good until Kim decided to install a closed- circuit television (CCTV) camera inside the compound of his house. The camera is installed at the front porch pointing directly at Kin's house. That camera is attached to a 7 feet pole which is about 16 feet from the chain-link fence.

Kin was informed about the existence of that camera by his son and later on make a complaint to Kim that the CCTV camera is directed and capturing images of his front courtyard. As a result, he feels that he and his family are being spied on and therefore their right to privacy have been infringed.

Kin claimed that he and her family have been suffering emotional stress, strain and medical complications due to that infringement. He claims that Kim's action is a private nuisance as it amounts to unlawful interference with his use, comfort, enjoyment and interest over his house.

Advise Kin.

(Total: 25 marks)

QUESTION 2

"..Information Communication Technology (ICT) facilitates abuse and exploitation of children online, especially child pornography. A study conducted by the Internet Watch Foundation showed that ICT is responsible for the mushrooming of child pornography into a fast growing business and there is evidence to show that the victims of this abuse are getting much younger. Realising the severity of the threat, various conventions and conferences have been held to address the issue and discuss the methods in combating the problem.."

- Juriah Abdul Jalil in her article *Combating Child Pornography in Digital Era: Is Malaysian Law Adequate to Meet the Digital Challenge?*

In light of the above statement and relevant legal provisions, explain about the law governing crime of child pornography in Malaysia.

(Total: 25 marks)

Continued...

QUESTION 3

The *Personal Data Protection Act 2010("PDPA")* governs personally identifiable data which is collected in respect of a "commercial transaction". Recent proposal papers which have been issued by the Personal Data Protection Department (Department) have also clarified that employment related data will come within the ambit of the PDPA.

In light of the *PDPA*, discuss the rights of the data subjects and the responsibilities of the data user/ controllers.

(Total: 25 marks)

QUESTION 4

"Cyberspace is not a nation state. The community standards of the many network communities are not a formal legal system. There is a lack of consensus as to whether new laws should be created or if old laws can be applied to the digital realm. However, rules are being created and enforced by individual communities. Although community standards do not, alone, constitute a legal system, such standards create the basis for formal legal systems. The existence of such norms is evidence of the ability of the social system to create law."

-Juliet M. Oberding in his article *"A Separate Jurisdiction For Cyberspace?"*

In the light of relevant laws, discuss the above statement and the position in Malaysia.

(Total: 25 marks)

QUESTION 5

Hacking is basically a procedure in which more computer savvy individuals are able to penetrate the security system of the computer systems of individuals and corporations to steal data and information and to activate certain files for their own purposes, or to plant viruses or Trojan Horses.

Discuss the crime of hacking with reference to case law and statutory relevant provisions.

(Total: 25 marks)

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